

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

FRESENIUS KABI USA, LLC,

*Plaintiff,*

**v.**

**DR. REDDY'S LABORATORIES, INC., DR.  
REDDY'S LABORATORIES, LTD.,**

*Defendants.*

Civil Action No. 16-1542 (KM)  
Civil Action No. 16-3316 (KM)

**STIPULATION AND ORDER OF DISMISSAL Fresenius Kabi USA, LLC (“Plaintiff”)**

and Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. (collectively "DRL" or the "Defendants") have agreed to terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a confidential Settlement and License Agreement, dated December 14, 2016 (the "Settlement and License Agreement"), pursuant to which the parties have resolved this action.

IT IS HEREBY STIPULATED that:

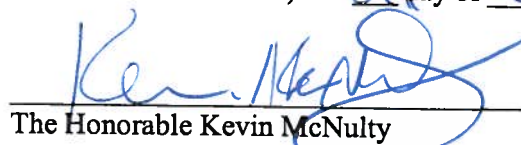
1. This Court has jurisdiction over the parties and the subject matter of this action;
2. Plaintiff has asserted that its United States Patent Nos. 9,006,289, 9,168,238, and 9,168,239 (“the patents-in-suit”) are enforceable and valid and that the patents-in-suit would be infringed by the manufacture, use, sale, offer for sale, or importation of Defendants’ Products, as defined in the Settlement and License Agreement and described in Defendants’ Abbreviated New Drug Application No. 208837 (“Defendants’ ANDA”);
3. In view of the Settlement and License Agreement, the parties have agreed to forego any further litigation involving their respective assertions of infringement, invalidity and/or unenforceability;

4. All claims, counterclaims and affirmative defenses of Fresenius and DRL in this action are hereby dismissed without prejudice;

7. Each Party shall bear its own costs, attorneys' fees, and expenses incurred in connection with this action; and

8. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement and License Agreement.

IT IS SO ORDERED, this 5<sup>th</sup> day of Jan, 2017 by:

  
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The Honorable Kevin McNulty  
United States District Judge